



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Eric LABARRIERE et al.
Application No.: 10/584,165
Filed: June 22, 2006
Art Unit: 3663
Examiner: Ricardo J. Palabrica
Attorney Docket No.: 12928/10033; 569.1019
Title: **TERMINAL END-PIECE FOR A FUEL ASSEMBLY
HAVING AN ARRANGEMENT FOR MAINTAINING
THE ENDS OF THE RODS AND CORRESPONDING
ASSEMBLY**

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 20, 2009

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated June 25, 2009 and in support of their appeal of the Advisory Action dated January 5, 2009 and the Final Rejection dated August 13, 2008. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated March 16, 2009, and provide herein only a rebuttal of arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §102

Claims 16, 17, 22 to 25 and 28 were rejected under §102(b) as being anticipated by U.S. Patent No. 5,490,191 to Christiansen et al (hereinafter “Christiansen”).

The dispute to date has been on the language of securing and clamping, and the claim language clearly recites this language.

As previously discussed, Christiansen fails to teach or disclose “longitudinal clamping or securing.” Christiansen clearly discloses “allowable movement” of the fuel rods and clearly teaches of lateral restraint but not longitudinal securing or clamping.

Furthermore, the Examiner asserts that claim 24 is “replete with statements of intended use or desired use.” However, claim 24 specifically recites components that “longitudinally clamp” which is clearly not an intended use, but rather the actual interrelation of the components with the longitudinal ends.


These are additional reasons why the Examiner’s rejection of claims 16, 17, 22 to 25 and 28 should be reversed.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427